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REMARKS

Claims 1-5, 7-14 and 36-49 are pending in this present application. Claims 15-35 have been withdrawn from consideration as being drawn to a non-elected invention. Reconsideration of the application is respectfully requested in view of the following responsive remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

In the office action dated August 31, 2007, the following actions were taken:

- (1) the Examiner rejected claims 1-5, 7-13, and 49 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,849,149 (hereinafter "Otaki") in view of U.S. Patent No. 4,893,887 (hereinafter "Coates");
- (2) the Examiner rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Otaki in view of Coates; and
- (3) the Examiner rejected claims 36-48 under 35 U.S.C. 103(a) as being unpatentable over Otaki in view of Coates.

It is respectfully submitted that the presently pending claims be examined and allowed.

Rejections under 35 U.S.C. § 103(a)Claims 1-5, 7-13, and 49

A *prima facie* case of obviousness has not been presented for claims 1-5, 7-13 and 49 for lack of teaching of each and every element of the claims. Of this particular set of claims, Claim 1 is independent and the remaining claims all depend from and are narrower in scope than claim 1. Accordingly, Applicant directs the following remarks to Claim 1 and any claim depending therefrom.

The Examiner rejected claims 1-5, 7-13, and 49 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,849,149 (hereinafter "Otaki") in view of U.S. Patent No. 4,893,877 (hereinafter "Coates"). Independent Claim 1 was previously amended to require that at least one of the layers includes an additive configured for one of light stabilization, liquid resistance, or vapor resistance.

The Examiner has alleged that Otaki teaches a colored transparent film 203 (col. 35, line 12), and that the colorant used to make this layer colored is equivalent to the claimed

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additives configured for light stabilization, light resistance and/or vapor resistance. First, the Examiner has misstated Applicant's amended claim which does not set forth that the additive is configured for *light resistance*, but rather sets forth that the additive is "configured for one of *light stabilization, liquid resistance, or vapor resistance*" (emphasis added). While the colorant of Otaki inherently resists some wavelengths of light, this is not set forth in the claims of the present application.

Second, even if this was simply a typographical error by the Examiner and the Examiner meant to argue that the colorant of Otaki is configured for light stabilization, liquid resistance or vapor resistance, Applicant submits that the colorant of Otaki is not equivalent to the claimed additives. There is nothing in Otaki to teach or suggest that the colorant is also an additive configured for light stabilization, liquid resistance or vapor resistance. Light stabilization additives are not defined in the specification as colorants, but rather are described as materials such as hindered amines and UV absorbers. Liquid resistance additives decrease the wettability of the surface to specific liquids, and vapor resistance additives include acrylonitrile copolymers and vinylidene chloride copolymers. None of these elements are colorants. Moreover, colorant does not inherently stabilize light, resist liquid or resist vapor. Accordingly, Otaki does not teach or suggest an additive configured for one of light stabilization, liquid resistance, or vapor resistance.

Coates does not make up for this deficiency. In fact, Coates does not teach or suggest adding a colorant to the metal hologram, as is acknowledged by the Examiner on Page 3, paragraph 6 in the August 31, 2007 Office Action. More importantly, Coates does not teach or suggest adding any additive to the layers of the hologram let alone an additive configured for one of light stabilization, liquid resistance, or vapor resistance. Accordingly, neither Otaki nor Coates alone or in combination teach or suggest the claimed limitation of an additive configured for light stabilization, liquid resistance, and/or vapor resistance.

#### Claim 14

A *prima facie* case of obviousness has not been presented for claim 14 for lack of teaching of each and every element of the claim. Specifically, neither Otaki nor Coates teach a metallic foil. A metallic foil, as commonly known, is an independent, thin sheet of self-supporting metal that is separate and distinct from the other layers (page 7, lines 17-18). Claim 14 specifically claims a metallic foil layer. Foils should not be confused with metallic layers that are deposited on substrates, and which are not independent or self-supporting.

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Otaki teaches only a hologram, and therefore, does not teach a metallic foil. Coates teaches metallic holograms comprising a thin layer of metal which is always formed and mounted on a substrate (Abstract). Unlike the claimed foil, the metallic layer of Coates is necessarily very thin and is fabricated or deposited on a die or substrate which is then used for transferring purposes (See col. 2, lines 6-11). The methods of Coates, such as vacuum metallization, sputtering and vacuum depositing the thin layer of metal, would not create a foil (col. 2, lines 6-7, 15-17, and 27-29). The metal layers of Coates are not layers of foil, i.e., independent of the other layers and self-supporting metal, but rather are always formed and mounted on a substrate (Abstract, and col. 2, lines 8-10, 18-22, and 29-31). This fact is further evidence by the extreme thinness of the metal hologram of Coates, which if were any thicker would not adequately reproduce the detailed topology of the holographic master from which the die was fabricated (col. 2, lines 42-49).

The Examiner argues that Coates is combined with Otaki to teach the use of a metallic hologram layer and not to teach the thickness of the hologram layer. Regardless of the purpose in combination, neither Coates nor Otaki teach a metallic foil. To reiterate, a metal foil is a layer which is independent and self-supporting. The procedures and methods taught in Coates necessarily prevent formation of a metal or holographic layer that is either independent or self-supporting. As such, Coates does not teach a metal foil.

As neither Coates nor Otaki teach a metallic foil layer, they do not teach each and every element either alone or in combination. Therefore, withdrawal of the rejection is requested.

#### Claims 36-48

A *prima facie* case of obviousness has not been presented for claims 36-48 for lack of teaching each and every element of the claim. Specifically, neither Otaki nor Coates teaches an image-free metallic layer, as is required in independent claim 36. In fact, Otaki does not even teach a metal hologram, as is acknowledged by the Examiner on Page 7 of the August 31, 2007 Office Action. Accordingly, without a metal hologram, Otaki cannot possibly have an image free metallic layer.

Coates does not make up for this deficiency. Although Coates teaches a metallic layer, the metallic layer of Coates is a metallic hologram. A hologram is generally known and accepted as a type of image, and thus by its very nature a metallic hologram comprises an image. Moreover, Coates expressly teaches an image replicated into a metallic film (col. 1, lines 31-32). Therefore, the metallic layer of Coates is not image-free.

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As neither Coates nor Otaki teach an image-free metallic layer, they do not teach each and every element either alone or in combination. Therefore, withdrawal of the rejection is requested.

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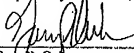
CONCLUSION

It is respectfully submitted that the rejections of the presently pending claims be reconsidered and withdrawn and that all claims be allowed. In view of the foregoing, Applicants believe that claims 1-5, 7-14 and 36-49 present allowable subject matter and allowance is respectfully requested.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025

Dated this 30<sup>th</sup> day of November, 2007.

Respectfully submitted,



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